

¹Plaintiff has filed at least forty-four section 1983 actions in this court within the past two years.

time he commences any other section 1983 action or comply fully with § 1915(g) of the PLRA.

Federal Rule of Civil Procedure 41(a) provides in pertinent part that,

Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of the United States, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of any answer or of a motion for summary judgment, which ever first occurs, . . .

There having been no answer or motion for summary judgment filed herein, plaintiff's motion to dismiss is binding on the court and his motion must therefore be **GRANTED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, Chief United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

SO RECOMMENDED, this 25th day of June 2007.

/s/ **Richard L. Hodge**
RICHARD L. HHODGE
UNITED STATES MAGISTRATE JUDGE